

REMARKS

Applicants thank the Examiner for the courtesy shown to their counsel in the course of their recent telephone conversation with the Examiner.

Applicants respectfully submit that the Notice of Non-Responsive Reply dated June 10, 2003, was improper. In Applicants' response of April 8, 2003, Applicants clearly elected **Group V** with traverse in order to comply with 37 CFR § 1.143. As for an election of a species, the Office Action of December 12, 2002, stated that a "compound may be named in any of four ways (or any combination thereof): (a) according to the IUPAC standard, (b) by a pictorial representation of the compound, (c) by setting forth the specific chemical group that each variable of the Markush group represents, or (d) by naming a claim or an example which itself sets forth a single compound." Applicants elected a species of Claim 19, wherein the radiolabeled pharmaceutical agent of formula (II) is the ^{90}Y complex of **Compound A**, as described on page 68 *et seq.* of Applicants' specification, and the compound of formula (I) was **trihydroxybenzoic acid**. The elected second stabilizer was **gentisic acid**. Thus, even by the standard presented by the Examiner, the Applicants' response of April 8, 2003, was complete and responsive.

The Examiner has subsequently explained that it aids his search to have portions of the compound identified with respect to the claim. Thus, to aid the Examiner, for purposes of initial examination of Claim 19 when applied to Compound A:

RI is ^{90}Y ;

Ch is a chelator;

Ln is a linking group;

BM is a peptide;

x is 2; and, taken collectively,

E¹, A¹, A², A³, A⁴, A⁵, A⁶ define trihydroxybenzoic acid. Of course, this should not be construed as limiting the scope of Applicants' claims in any way.

Finally, Applicants note that the Examiner has not indicated that that Groups I and V will be combined. As stated in Applicants' previous response, the Examiner's descriptions for Groups I and V are **identical**, citing the same class (424) and subclass (1.41), and MPEP §808.02 specifically states:

Where, however, *the classification is the same and the field of search is the same* and there is no clear indication of separate future classification and field of search, *no reasons exist for dividing among related inventions.*

Thus, Applicants submit that restriction between Groups I and V should not be required, and respectfully request that examination of both groups in the instant application.

If the Examiner has any questions, the Examiner is invited to call the undersigned.

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